

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ROBERT C. SGROE,

Plaintiff,

v.

WELLS FARGO BANK, N.A. AND
FEDERAL HOME LOAN MORTGAGE
CORPORATION a/k/a FREDDIE MAC,

Defendants.

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CIVIL ACTION NO. 4:12-cv-00144
(Judge Clark/Judge Mazzant)

AFFIDAVIT OF RICHARD A. ILLMER

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Richard A. Illmer, who, after being by me first duly sworn, deposed and said as follows:

1. “My name is Richard A. Illmer. I am over 18 years of age, and I am fully competent to make this Affidavit. I am a resident of Dallas County, Texas. I have never been convicted of a felony or crime of moral turpitude. I am competent in all respects to make this Affidavit. All statements herein are true and correct and within my personal knowledge. I have been admitted to practice law in the State of Texas since 1986, and have been engaged in the practice of law continuously since that time.

2. I am the attorney of record in the above-styled and numbered cause appearing for Defendants Wells Fargo Bank, N.A. (“Wells Fargo”) and Federal Home Loan Mortgage

Corporation ("FHLMC"). Wells Fargo and FHLMC retained the law firm of Brown McCarroll, L.L.P. to defend its rights in the above-styled and numbered cause.

3. This case is handled by our firm, Brown McCarroll, L.L.P., on an straight hourly basis. As such, each attorney or paralegal professional was required to keep accurate records as to their hours worked and all expenses incurred in the prosecution of this matter. I have acted as lead attorney on this matter from its inception and remain the attorney responsible for this matter. My rate is \$395.00 per hour. I have been assisted in this matter by Kevin Koronka, a partner whose hourly rate is \$325.00, and Kimberly Matthews, Julie Graham and Melissa Mastin, paralegals whose hourly rate is \$190.00. These rates are normal and customary in the Eastern District of Texas for similar services by lawyers of reasonably comparable skills, experience, and reputation in an action of this type.

4. The necessary services I and the attorneys and paralegals under my supervision have and will have rendered for the Defendants in this action are as follows:

- a) Review of Plaintiff's Original Petition and filing Answer and Counterclaim on behalf of the Defendants;
- b) Investigation of Plaintiff's claims;
- c) Removal of this case from state court to federal court;
- d) Review of loan documents;
- e) Legal research in support of the motion for summary judgment; and
- f) Preparing and filing of Defendants' Motion for Summary Judgment and Brief in Support.

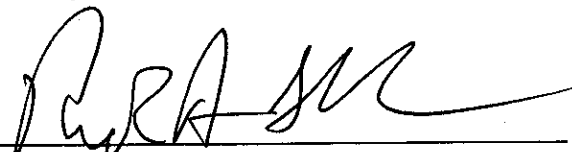
5. To date, Wells Fargo and FHLMC have incurred \$15,000.00 in attorneys fees in this case. In my opinion, the sum of \$15,000.00 is a reasonable attorney's fee in this matter. In forming this opinion, I considered the following factors:

- a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- b) The fee customarily charged in the locality for similar legal services;
- c) The amount involved;
- d) The time limitation imposed by the client and circumstances;
- e) The nature and length of the professional relationship with the client; and
- f) The experience of the lawyers performing the services in this case.

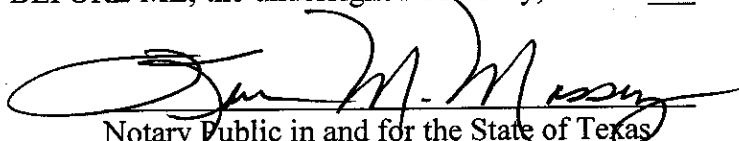
6. In my opinion, the attorneys' fees incurred by the Defendants in the amount of \$15,000.00 are reasonable and within the range of usual and customary fees charged in Texas for work of this nature.

7. Should the Defendants pursue an appeal, it is my opinion that a reasonable fee to represent Defendants in an appeal to the Court of Appeals is \$20,000.00. It is further my opinion that a reasonable fee to successfully defend a petition to the Supreme Court is \$25,000.00 and to successfully argue and appeal to the Supreme Court is \$15,000.00."

FURTHER AFFIANT SAYETH NOT.


Richard A. Illmer

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 15th day of November, 2012.


Notary Public in and for the State of Texas

